| आयकर अपीलीय अधिकरण न्यायपीठ, मुंबई |
IN THE INCOME TAX APPELLATE TRIBUNAL
"F" BENCH, MUMBAI

BEFORE SHRI SAKTIJIT DEY, HON'BLE VICE PRESIDENT
&
SHRI NARENDRA KUMAR BILLAIYA, HON'BLE ACCOUNTANT MEMBER

I.T.A. No. 2628/Mum/2025
Assessment Year: 2014-2015

Ultima Realtors Private Limited 514, Dalalmal Tower 211 FBJ Marg Nariman Point Mumbai - 400021 **[PAN: AAACU8443Q]**	Vs	**ITO, 3 (3) (3)**
अपीलार्थी/ (Appellant)		**प्रत्यर्थी/** (Respondent)

Assessee by :	Shri Pradip Kapasi, A/R
Revenue by :	Ms. Kavita P. Kaushik, Sr. D/R

सुनवाई की तारीख/**Date of Hearing : 12/06/2025**
घोषणा की तारीख /**Date of Pronouncement: 20/06/2025**

आदेश/O R D E R

PER NARENDRA KUMAR BILLAIYA, AM:

This appeal by the assessee is preferred against the order dated 29/03/2025 by NFAC, Delhi [hereinafter "the ld. CIT(A)"] pertaining to AY 2014-15.

2. The grievance of the assessee reads as under:-

"1. GROUND NO. 1: MAINTAINABILITY OF APPEAL
The CIT(A) erred in law and on facts in holding that the appeal filed by the appellant u/s. 246A was not maintainable in law ignoring the decision of the Supreme Court in the case of Gopal Shri Scrips (P.) Ltd., 2019 262 Taxmann 356 which was specifically brought to his attention in writing.

2. GROUND NO. 2: PASSING OF AN EX-PARTE ORDER
The Id. CIT(A) erred in law and in facts in passing an ex-parte order u/s. 250 ignoring the written submissions made on maintaining of the appeal. Your appellant prays that the ex-parte order be quashed.

3. GROUND NO. 3: DENIAL OF OPPORTUNITY OF HEARING & GROSS VIOLATION OF NATURAL JUSTICE

The Id. CIT(A) erred in law and on facts in not providing opportunity of hearing inspite of written request to do so and further erred in law and on facts in violating the provisions of natural justice. Your appellant prays that such an order of the CIT(A) be quashed.

4. GROUND NO. 4: NON ADJUDICATION OF ALL GROUNDS IN APPEAL

The Ld. CIT(A) erred in law and in facts in not adjudicating all the grounds raised before him in appeal (1 to 8) as detailed below being:

(i) Serving a notice and passing an order on a non-existing company.
(ii) Passing of reassessment order that was bad in law.
(iii) The Id. A.O. erred in making an addition of Rs. 13,13,77,096/- to the income of the company which was neither received nor receivable.
(iv) Disallowance of Rs. 10,17,22,904 on loss of valuable asset.
(v) A.O. failure in ignoring the submissions and passing an ex-parte order.
(vi) Failure of A.O. to not dispose off objection to reopening and violation of natural justice by A.O.
(vii) Upholding of reopening and reassessment order (viii) Levy of interest u/s. 234A of Rs. 4,46,442 and u/s. 234B of Rs. 4,28,58,432/-."

3. Representatives were heard at length. Case records carefully perused. On perusal of the order of the ld. CIT(A) we find that the ld. CIT(A) has dismissed the appeal as non-maintainable.

4. Briefly stated the facts of the case are that the assessee filed its return of income on 30/09/2014 which was processed u/s 143(1) of the Act on 27/11/2014. Thereafter the assessee filed a revised return of income on 28/03/2016 which was also processed u/s 143(1) of the Act on 25/04/2016.

5. The assessment was reopened u/s 147 of the Act after recording reasons and obtaining approval of the competent authority vide notice issued u/s 148 of the Act dated 31/03/2021. During the course of reassessment proceedings, the assessee raised objections to the notice u/s 148 of the Act as the same was issued on the company which was

not in existence at that point of time. Records show that the name of the company was struck off on 23/06/2018, therefore, the notice issued on 31/03/2021 is in the name of non-existing entity.

6. The ld. CIT(A) dismissed the appeal as the appeal was filed by a *non-est* company whereas the grievance of the assessee is that the assessment order itself has been passed on a non-existing company.

7. Considering the facts of the case in totality, we have no hesitation in holding that the assessment order and the notice, both are bad in law as the same are in the name of a non-existing entity. We accordingly annul the impugned assessment order and allow the appeal of the assessee.

8. In the result, appeal of the assessee is allowed.

Order pronounced in the Court on 20th June, 2025 at Mumbai.

Sd/-	***Sd/-***
(SAKTIJIT DEY)	**(NARENDRA KUMAR BILLAIYA)**
VICE PRESIDENT	**ACCOUNTANT MEMBER**

Mumbai, Dated 20/06/2025
SC Sr.Ps

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. संबंधित आयकर आयुक्त / Concerned Pr. CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)-
5. विभागीय प्रतिनिधि ,**आयकर अपीलीय अधिकरण, मुंबई** /DR,ITAT, Mumbai,
6. गार्ड फाई/ Guard file.

आदेशानुसार/ **BY ORDER**
TRUE COPY

Assistant Registrar
आयकर अपीलीय अधिकरण
ITAT, Mumbai